

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.19837 of 2020

G.BALAJI

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
AWPS CHENGALPATTU POLICE STATION,
KANCHEEPURAM DISTRICT.
CRIME NO.13 OF 2020.

For Petitioner : M/S.S.M.HARI KRISHNA Advocate

For Respondent : MR. C.IYYAPPARAJ, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 417, 420, 376, 312 and 506(i) IPC, in Crime No.13 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz. Anitha is that the petitioner on the false promise of marrying her had committed sexual intercourse with her, due to which, she became pregnant and thereafter when petitioner had agreed to marry the victim girl, the mother of the petitioner viz. Velanganni, had dragged this issue and on a false assurance of conducting their marriage, made her abort the foetus and later cheated her. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and has been falsely implicated in this case. He would further submit that a case of consensual affair between the petitioner and the victim girl has been falsely projected as a case of rape and cheating. He would further submit that this is the second anticipatory bail application and the earlier application filed by the petitioner in CrI.O.P.No.16086 of 2020 was dismissed by this Court vide order dated 04.11.2020.

4.Learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner on the false promise of marrying the defacto complainant had sexual intercourse with her due to which she became pregnant and the petitioner along with his parents on the false assurance of conducting marriage, had cunningly made her abort the pregnancy and thereafter all the accused joined together and harassed the victim girl. He would further submit that when the enquiry was conducted in this regard, the petitioner had agreed to marry the victim girl and thereafter he had refused to marry her. He would further submit that the statement under section 164 Cr.P.C has been recorded from the victim girl, wherein, she had stated about the circumstances under which she was made to abort the pregnancy. Further, the statement of the doctor also confirmed the pregnancy of the victim girl and only on the instructions of the petitioner, she had aborted the pregnancy. He would also submit that even though the petitioner had not pressed the anticipatory bail petition on the earlier occasion, this court taking into consideration the statement recorded from the victim girl under section 164 Cr.P.C., had dismissed the anticipatory bail petition on merits and there is no change of circumstances.

5.Heard the counsels. Perused the CD file and other materials placed on record.

6.It is a case where the petitioner on the false promise had committed sexual intercourse with the victim girl, due to which, she became pregnant and thereafter cunningly the petitioner along with his parents on the false assurance of marriage made her abort the pregnancy. This Court taking into consideration the grave offence committed by the petitioner had dismissed the earlier anticipatory bail petition on merits and there is no change of circumstances. Hence, this court is not inclined to grant anticipatory bail to the petitioner.

7.This criminal original petition stands dismissed accordingly.

-sd/-

04/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
AWPS CHENGALPATTU POLICE STATION,
RANCHI DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.M.HARI KRISHNA Advocate on payment of necessary
charges

CRL OP.19837/2020

Date :04/03/2021

TA-15/03/2021



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